

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 21337 of 2016 (O&M)

Date of decision: 07.10.2016.

Ranjit Singh Yadav

..... Petitioner.

Versus

Haryana Human Rights Commission and others

..... Respondents.

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MS. JUSTICE LISA GILL**

Present: Mr. G.S. Sullar, Advocate, for the petitioner.

S.S. SARON, J.

The petitioner is an advocate by profession. He is practising at District Courts, Rewari. He was on the panel of advocates for the Government Hospital, Rewari for handling cases under the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 ('the Act' - for short). He used to assist the Civil Surgeon, Rewari and the Committee formed under the Act. According to the petitioner, respondent No.4 was running an ultra sound centre under the name of Unique Diagnostic and Research Centre, Rewari. A number of complaints were received against him and a raid was conducted. The ultra sound centre of respondent No.4 was sealed; besides, a criminal complaint was filed before the learned Chief Judicial Magistrate, Rewari. Respondent No.4 filed an appeal against the order of the District Appropriate Authority to the State Appropriate Authority as regards the sealing of his centre was concerned. The appeal was dismissed vide order dated 29.05.2014. Respondent No. 4, thereafter, it is alleged, filed a complaint against the Civil Surgeon, Rewari;

the District Appropriate Authority as also the petitioner before the Haryana Human Rights Commission (respondent No.1) praying that his centre be de-sealed and the registration of the centre under the Act be renewed. A further prayer was made for taking action.

The grievance of the petitioner is that the Haryana Human Rights Commission (respondent No.1) vide order dated 04.07.2016 (Annexure P2) directed the Superintendent of Police, Rewari (respondent No.3) to register a complaint against the then Chief Medical Officer; besides, a report was directed to be submitted. The petitioner submits that he was not granted any opportunity of hearing by the Haryana Human Rights Commission (respondent No.1), which is mandatory in terms of Section 16 of the Protection of Human Rights Act, 1993. Besides, it is submitted that the petitioner has been exonerated in various investigations that were conducted, which is evident from the communication dated 09.08.2016 (Annexure P5) from the Superintendent of Police, Rewari (respondent No.3) to the Director General of Police, Haryana Human Rights Commission (respondent No.1). However, the Haryana Human Rights Commission (respondent No.1) is not taking any cognizance of the same.

After hearing learned counsel for the petitioner and perusing the record, it is to be noticed that there is no averment or material on record to show that the petitioner has ever approached the Haryana Human Rights Commission (respondent No.1) for consideration of his case and for clearing him in the matter.

In the circumstances, it would be just and expedient that the petitioner in the first instance approaches the Haryana Human Rights

Commission (respondent No.1) and brings to its notice that he has been exonerated in the inquiries that have been conducted against him.

The writ petition, therefore, at this stage is premature and is dismissed. However, we leave it open for the petitioner to approach the Haryana Human Rights Commission (respondent No.1) in the first instance and set forth his grievances by making his submissions before it.

(S.S. SARON)
JUDGE

(LISA GILL)
JUDGE

07.10.2016
Ramesh

Note:

1.	Whether reasoned/speaking	:	Yes
2.	Whether reportable	:	No